

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1-3, 6, 8 are rejected under 35 U.S.C. 102 (b) over the patent to Mims.

Claim 5 is rejected under 35 U.S.C. 103(a) over the patent to Mims.

At the same time the Examiner indicated that claim 7 would be allowable if rewritten in independent form and amended correspondingly.

The Examiner's indication of the allowability of claim 7 has been gratefully acknowledged.

In connection with this indication, claim 7 has been amended by introducing into it the claims from which it depends, therefore this claim is now in allowable condition.

In connection with the Examiner's rejection of the claims for formal reasons under 35 U.S.C. 112, the Examiner's cooperation during the personal

interview has been gratefully acknowledged. During the interview it was indicated that the Examiner would accept the change of the term "lee" to -- line --. In connection with this, the corresponding changes have been made in the claims.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicant maintained claims 1 and 8, the independent claims on file, in their present form without changes.

It is respectfully submitted that these claims clearly and patentably distinguish the present invention from the patent to Mims applied by the Examiner.

Turning now to the references and in particular to the patent to Mims, it can be seen that this reference deals with a portable fish catcher. The fish catcher disclosed in this reference is different from the device of the present invention. The fish catcher disclosed in the patent to Mims has a lower ring 2 and an upper ring 1, with a plurality of support lines 3 connecting them with one another so as to form a vertical hollow cylinder. The upper ring 1 is connected by further support lines 5 to a retrieval line 10 through the loop 9 and the float 7. A bait 11 is located inside the thusly formed ring-shaped structure or hollow

cylinder and held on a suspension line 12. Fish that takes a bait is caught in a net 4 supported on the support lines 3 and on the rings 1 and 2.

As can be seen from the drawings, the support lines 3 are connected to the lower ring 2 by knots, and to the upper ring 3 also by knots. Therefore, the net 4 can not slide over the support lines 3, but instead whatever movement the upper ring 1 performs, these movements are followed by the support lines 3.

In contrast, in the applicant's invention as specifically defined in claims 1 and 8, the net slides over the line (lines) attached to the lower member thus forming a trap in the shape of a bag, when fish displaces the flat net of the device in accordance with the applicant's invention to cause the net to slide toward the bottom member and sideways along the line (lines) attached to the lower member and extending upwardly from it.

This creates a totally different way of catching fish. The fish is entrapped in the thusly formed bag, in contrast to entrapment of the fish in the openings of the net by its gills and other parts of the body, as takes place in the patent to Mims.

It is believed to be clear that in the device disclosed in the patent to Mims fish is entangled in the openings of the net, while in the device in accordance with the present invention fish is trapped inside a bag which is formed when the net slides downwardly over the side lines toward the lower member and forms a bag.

In view of the above presented remarks it is believed to be clear that the present invention as defined in claims 1 and 8, is not disclosed in the patent to Mims and can not be derived from it as a matter of obviousness.

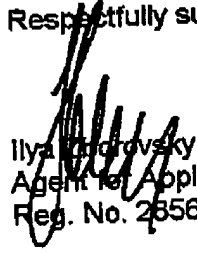
Since the feature of the sliding net over the line (lines) when the fish acts on the net is not disclosed in the reference, it is therefore believed that the anticipation rejection should be considered as not tenable and should be withdrawn.

Claims 1 and 8 should also be considered as patentably distinguishing over the art and should also be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,


Ilya Petrovsky
Agent for Applicant
Reg. No. 28563